



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2302205  
**Applicant Name:** H. Todd Kilburn  
**Address of Proposal:** 2210 NE 92<sup>nd</sup> St

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for alterations of 17 existing skylights on the roof of a nonconforming building (Greenhouse Condominiums) to convert them into clerestories.

The following approval is required:

**Variance** to allow the expansion on a nonconforming structure in a multi-family zone pursuant to Seattle Municipal Code (SMC) 23.44.122.

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

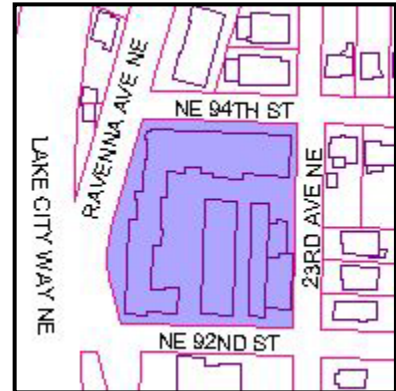
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### Site Description

Located in a Multi-Family Residential Lowrise 3 (L3) zone in the Lake City neighborhood, the 73,288 square foot (sf) full block site is bordered by NE 94<sup>th</sup> Street on the north, NE 92<sup>nd</sup> Street on the south, Ravenna Avenue NE on the west and 23<sup>rd</sup> Avenue NE on the east. The site is relatively flat; to the west is a steep wooded slope down to Ravenna Boulevard and Lake City Way.



### Background

The building has experienced ongoing rainwater intrusion into the interior of the structure over the last twenty years. Much of this water intrusion has been the result of improper detailing and inadequate flashing of the existing shed dormer/"greenhouse" features at the roof level.

### Proposal Description

The applicant requests a height variance for a four story, 82,654 sf<sup>1</sup>, sixty-eight (68) -unit condominiums built in 1979. The building is L-shaped and has a flat roof with elevator and stair penthouse, and seventeen low-sloping skylight dormers above the parapet level.

The request is for a variance from SMC 23.42.122, Height Nonconformity, to allow the reconstruction of the failed existing shed dormers on a building of nonconforming height. The new configuration is designed to reverse the slope of the shed roof to drain towards the main roof and to provide new properly detailed curbs<sup>2</sup>, eaves and skylights. This change is proposed for these functional reasons only, and will not provide any additional floor area or enhanced views from the building. As a result of providing minimal curbs and a minimal pitched roof of 4:12, the new shed dormers (clerestories) will increase the existing height of the structure by twenty-four (24) inches.

### Public Notice and Comments

A MUP variance application was received on May 14<sup>th</sup>, 2003. Notice of application was published on May 22<sup>nd</sup>, 2003 and the comment period ended on June 4<sup>th</sup>, 2003.

The City received one comment letter, which requested a limit be placed on the hours of construction activity—no work to begin before 9am on weekends and no work to extend beyond 7:30 pm daily.

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<sup>1</sup> Gross Floor Area.

<sup>2</sup> An enclosing framework, such as that around a skylight.

## **ANALYSIS - VARIANCES**

As provided in SMC 23.40.020, variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The unusual condition that applies to the subject property is a change in the Land Use zoning designation and height development standards since the time the building was constructed. At the time of construction, the building conformed to the Land Use Code then in effect. The zone was RM 800. With the changes, the allowable height for the building has been lowered, making the existing building nonconforming.

Currently, there are no eaves on the existing skylight shed dormers; water is shedding down the skylights and dormer roofs onto the windows and walls below. Water has been leaking down and into the entire four-story face of the walls below the dormers. Adding an eave to the current form would require the addition of gutters, which would be difficult to access for maintenance.

The strict application of the Land Use Code's height limits would limit the property owners to maintain and repair of the existing design of the skylights—a design that has proven ineffective in repelling water.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The new dormer configuration uses the minimum clearances, heights and slope necessary to conform to current construction practices on separation between the parapet and rooftop eaves. The height of the reconfigured dormers (clerestories) is design to the code-minimum slope of 4:12.

The requested variance does not go beyond the minimum necessary to afford relief and granting the variance would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. The proposal would result in a minimal increase in the height of the structure which otherwise conforms to the general pattern of adjacent buildings. The strict application of the Land Use Code's height limits would limit the property owners to maintain and repair of the existing design of the skylights—a design that has proven ineffective in repelling water.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The proposed alterations of the existing skylights into clerestories will improve the exterior appearance of the building, transform the building to a current design form and varies the

roofline. Thus, the reinvestment and enhancements to the building will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship, or practical difficulties;*

Strict application of the height limit development standards on the nonconforming structure would require the reconstruction of the current failing dormer application. This creates undue hardship, or practical difficulty in maintaining elements of the building that are prone to failure. The proposed alterations are a reasonable response to the problem being addressed with minimal variance from the limitations on nonconforming structures of SMC 23.44.122.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area by minimizing the height of the nonconforming building. Additionally the Homeowners Association would be able to more effectively maintain the building.

#### **DECISION - VARIANCE**

The proposed variance to allow the expansion on a nonconforming structure in a multi-family zone is **APPROVED**.

Signature: \_\_\_\_\_ Date: July 28, 2003

Colin R. Vasquez, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

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